

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PHILIP C. HWANG

Group Art Unit: Unknown

Examiner: Unknown

Serial No.: Not yet assigned (Divisional of U.S. Serial No. 09/523,622)

Filed: Concurrently herewith

For: REUSABLE PRODUCE CRATE

Attorney Docket No.: RPC 0598 PUS

20050101-141400

PRELIMINARY AMENDMENT

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

Please amend the above-identified divisional application as follows:

In The Claims

Please cancel claims 40-58 which were prosecuted in the parent case (U.S. Serial No. 09/523,622). Please replace claims 59, 64-65, and 67-69 and add new claims 76-84 as shown below. A marked up version of the amended claims is attached to this Amendment.

**FOR PURPOSES OF PUBLICATION, CLAIMS 59-84 AS PRESENTED
AND AMENDED IN THIS PRELIMINARY AMENDMENT HAVE BEEN
INCORPORATED INTO THE DIVISIONAL APPLICATION AS FILED.**

59. (Amended) A container comprising:

a generally rectangular bottom;

generally rectangular opposed first and second side and end walls extending upwardly from the bottom;

a lid detachably and pivotally secured to the first side wall, the lid having a lid edge; and

a pivot member on an upper edge of the first side wall wherein when the lid is in a first position, the lid edge is pivotally attached to the pivot member, and when the lid moves to a second position approximately 180° from the first position, the lid becomes detachable from the pivot member.

64. (Amended) The container of claim 76, wherein the pivot member includes a plurality of legs spaced along and interconnecting the at least one pivot pin and the first side wall.

65. (Amended) The container of claim 76, further comprising a plurality of fingers formed on the lid edge to detachably and pivotally secure the lid to the at least one pivot pin.

67. (Amended) The container of claim 76, wherein the engaging members each include a projection extending outwardly from the lid edge.

68. (Amended) The container of claim 66, further comprising a plurality of engaged members on the pivot member, the engaged members cooperating with the engaging members to prevent detachment of the lid from the container while the lid is in an orientation between the first position and a point less than approximately 180° from the first position.

69. (Amended) The container of claim 76, wherein the engaged members each include a recess formed on the pivot member.

76. (New) A container comprising:

a generally rectangular bottom;

generally rectangular opposed first and second side and end walls extending upwardly from the bottom;

a lid detachably and pivotally secured to the first side wall, the lid having a lid edge;

a plurality of engaging members on the lid proximate the lid edge; and

a pivot member on an upper edge of the first side wall, the pivot member including at least one pivot pin fixedly secured to the first side wall, the at least one pivot pin having a plurality of engaged members formed therein for cooperating with the engaging members to prevent detachment of the lid from the container while the lid is in a closed position and while the lid is in an open position less than approximately 180° from the closed position.

77. (New) The container of claim 76, wherein the lid includes first and second panels which are operatively connected.

78. (New) The container of claim 77, wherein each panel includes first and second side edges and an intermediate edge, the first side edges defining the lid edge, the lid further comprising a hinge extending along the intermediate edges of each of the first and second panels to operatively connect the first and second panels.

79. (New) The container of claim 76, wherein the lid includes a second edge opposite the lid edge, the lid including a fastener on the second edge and a shoulder angled downwardly and outwardly from the second side wall, the fastener adapted to releasably engage the shoulder when the lid is in the closed position.

80. (New) A container comprising:

a generally rectangular bottom;

generally rectangular opposed first and second side and end walls extending upwardly from the bottom;

a lid detachably and pivotally secured to the first side wall, the lid having first and second panels, each panel having first and second side edges and an intermediate edge, the first side edges defining a lid edge;

a pivot member on an upper edge of the first side wall wherein when the lid is in a first position, the lid edge is pivotally attached to the pivot member, and when the lid moves to a second position approximately 180° from the first position, the lid becomes detachable from the pivot member;

a shoulder on an upper edge of the second side wall; and
a fastener on at least one of the second side edges, the fastener arranged to releasably engage the shoulder when the lid is in the first position.

81. (New) The container of claim 80, further comprising a hinge extending along the intermediate edges of each of the first and second panels to operatively connect the first and second panels.

82. (New) The container of claim 80, further comprising a plurality of projections on the lid proximate the lid edge, and wherein the pivot member includes a pair of spaced pivot pins each including a plurality of recesses formed therein for cooperating with the projections to prevent detachment of the lid from the container while the lid is in an orientation between the first position and a point less than approximately 180° from the first position.

83. (New) The container of claim 80, further comprising a plurality of fingers formed on the lid edge to detachably and pivotably secure the lid to the pivot pins, and wherein the pivot member includes a plurality of legs spaced along and interconnecting the pivot pins and the first side wall.

84. (New) The container of claim 80, wherein the fastener includes at least one resilient flange having a first portion extending downwardly from the at least one second side edge, and a second portion having an exterior surface angled inwardly and upwardly from the first position and terminating in a lip, wherein the flange and the shoulder overlap one another when the lid is proximate the container in the first position.

Remarks

Applicant respectfully requests entry of this Preliminary Amendment, and further believes that the claims submitted are presented in a condition for allowance. A notice of allowance is thus respectfully requested. Should an Examiner's amendment be necessary for any reason, please do not hesitate to contact the undersigned.

Respectfully submitted,

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Attachment

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 59, 64-65, and 67-69 have been amended as follows:

59. (Amended) A container comprising:

a generally rectangular bottom[::];

generally rectangular opposed first and second side and end walls extending upwardly from the bottom;

a lid detachably and pivotally secured to the first side wall, the lid having a lid edge; and

a pivot member on an upper edge of the first side wall [wherein] such that when the lid is in a first position, the lid edge is pivotally [secured] attached to the pivot member, [from a point where the lid is in a first position to a point] and when the lid moves to a second position approximately 180° from the first position, [at which point] the lid [is] becomes detachable from the pivot member.

64. (Amended) The container of claim [63] 76, wherein the pivot member includes a plurality of legs spaced along and interconnecting the at least one pivot [pins] pin and the first side wall.

65. (Amended) The container of claim [63] ~~76~~, further comprising a plurality of fingers formed on the lid edge to detachably and pivotally secure the lid to the at least one pivot [pins] pin.

67. (Amended) The container of claim [66] 76, wherein the engaging members each include a projection extending outwardly from the lid edge.

68. (Amended) The container of claim [67] ~~66~~, further comprising a plurality of engaged members on the pivot member, the engaged members cooperating with the engaging members to prevent detachment of the lid from the container while the lid is in an

orientation between the first position and a point less than [the] approximately 180° from the first position.

69. (Amended) The container of claim [68] 76, wherein the engaged members each include a recess formed on the pivot member.

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